



COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION
"Creating Community Through People, Parks and Programs"

Russ Guiney, Director

April 14, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**DEPARTMENT OF PARKS AND RECREATION:
APPROVAL FOR ADOPTION OF RESOLUTION INITIATING PROCEEDINGS FOR
THE ANNUAL LEVY OF ASSESSMENTS FOR ZONES WITHIN LOS ANGELES
COUNTY LANDSCAPING AND LIGHTING ACT DISTRICT NUMBERS 1, 2, AND 4;
THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN SUCH LANDSCAPING
AND LIGHTING ACT DISTRICTS AND ZONES FOR FISCAL YEAR 2009-2010;
AND ORDERING THE PREPARATION OF
AN ENGINEER'S REPORT IN CONNECTION THEREIN
(SUPERVISORIAL DISTRICTS 1, 3, 4, AND 5) (3 VOTES)**

SUBJECT

Adoption of the Resolution Initiating Proceedings for the levy of annual assessments for Landscaping and Lighting Act District Numbers 1, 2, and 4 and Zones, therein.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find the proposed actions exempt from the California Environmental Quality Act (CEQA), for the reasons cited herein.
2. Adopt Resolution Initiating Proceedings to levy annual assessments for landscape and park maintenance purposes for Landscaping and Lighting Act (LLA) District Numbers 1, 2, and 4 and Zones therein pursuant to provisions of the Landscaping and Lighting Act of 1972, Section 22500 *et. seq.* of the California Streets and Highways Code (the Act), and as provided by Article XIID of the California Constitution
3. Designate the Director of the Department of Parks and Recreation as the "Engineer" for purposes of implementing this procedure.

4. Instruct the Director of the Department of Parks and Recreation to prepare and file an Engineer's Report in accordance with Section 22565 of the Act for the annual levy of assessments for Fiscal Year (FY) 2009–10 within LLA District Numbers 1, 2, and 4 and Zones, therein.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of these recommended actions are for your Board to initiate proceedings for the levying of annual assessments for landscape and park maintenance purposes by directing the Department of Parks and Recreation (Department) to prepare the required Annual Engineer's Report.

This Board action only initiates the assessment process and does not, in itself, establish any assessment rates. In accordance with Proposition 13, assessments cannot be based on property values. Each District and Zone, therein, is obligated to establish a benefit formula by which assessments are set according to the benefit received from the service or improvement. Under Proposition 218, which amended Articles XIIC and XIID of the California Constitution, the local government (Board) is required to give the affected property owners written notice of the proposed new or increased assessment and hold a public hearing (protest hearing) to receive ballots in support of, or opposition to the proposed new or increased assessment for tabulation.

On July 12, 1979; August 10, 1995; and July 22, 1997; your Board approved the formation of LLA District Numbers 1, 2, and 4 and Zones, therein, respectively, for the purpose of providing landscaping in County-administered LLA Districts and Zones, therein, pursuant to provisions of the Act. As the governing body, the Board of Supervisors is responsible for approving the levying of annual assessments for landscape and park maintenance purposes. Board adoption of the Resolution Initiating Proceedings institutes the annual assessment process for the renewal or increase of existing annual assessments and the establishment of new assessments for FY 2009–10.

Implementation of Strategic Plan Goals

These actions will further the County's Strategic Plan Goals of Operational Effectiveness (Goal 1). These recommendations, in compliance with the Act and Article XIID of the California Constitution, will allow the County to service and maintain the park, landscape and appurtenant facilities that benefit those who live within these Districts and Zones, therein.

FISCAL IMPACT/FINANCING

All services provided in the Districts and Zones, therein, are funded by the assessments established by the Board of Supervisors. There is no fiscal impact to the General Fund.

Operating Budget Impact

The recommended actions will have no impact on the Department's operating budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Act sets forth procedures that must be followed for any fiscal year during which assessments levied in a prior fiscal year are to be continued. The Act, Government Code Section 53753, and the California Constitution establish procedures that must be followed for the levy of any new or increased assessments. The Act requires that your Board adopt a Resolution Initiating Proceedings and generally describe any proposed improvements or substantial changes in existing improvements. Your Board must also order the Engineer to prepare and file a report in accordance with Section 22565 of the Streets and Highways Code.

Over the next month we will submit for your Board's approval, the required Engineer's Report and Resolution of Intention, setting the public hearing date to establish the assessments for FY 2009–10; pursuant to the Act and as provided by Article XIID of the California Constitution.

County Counsel has reviewed and approved this letter and the attached Resolution as to form.

ENVIRONMENTAL DOCUMENTATION

Approval of the proposed action is exempt from the CEQA, according to Section 15273(a)(1)(2)(3)(4) of the State CEQA Guidelines because the CEQA does not apply to the establishment, modification, structuring, or approval of rates, tolls, fares, or other charges by public agencies. The proposed actions are also categorically exempt from the CEQA, according to Sections 15306 of the State CEQA Guidelines and Class 6 of the Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987, because the project involves basic data collection.

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Approval of the increase is further exempt from the CEQA because it is for the purposes of: (1) meeting operating expenses including employee wage rates and fringe benefits, (2) purchasing and leasing supplies, equipment, or materials, (3) meeting financial reserve needs and requirements, and/or (4) obtaining funds for capital projects necessary to maintain service within existing service areas, pursuant to Section 21080(b)(8) of the Public Resources Code.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of this action will cause no impact on current services or programs.

CONCLUSION

Please instruct the Executive Officer-Clerk of the Board to forward one adopted copy of this action to the Chief Executive Office, County Counsel, and Auditor-Controller, and two adopted copies be forwarded to the Department of Parks and Recreation.

Respectfully submitted,



RUSS GUINEY
Director

RG:KEH:PM:rc

Attachment

c: County Counsel